

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BORNSTEIN SEAFOODS, INC.,

Plaintiff,

v.

CITY OF BELLINGHAM, et al.,

Defendants.

CASE NO. C21-0022JLR

ORDER

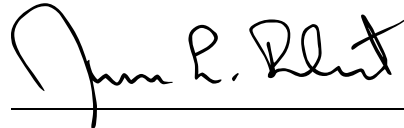
Before the court is the parties' stipulated motion to continue the bench trial in this matter, which is currently set for February 6, 2023. (Stip. (Dkt. # 81); *see* Sched. Ord. (Dkt. # 26).) The parties jointly represent that they have been engaged in "serious, good faith negotiations" and that they "believe they have reached an agreement to settle this case." (Stip. at 2.) Because Defendants the City of Bellingham and the Port of Bellingham are municipal entities, however, any settlement agreement must be approved at public meetings. (*Id.*) To accommodate this process, which the parties anticipate will be lengthy, the parties ask the court to continue the trial date and remaining pretrial

1 deadlines until a date no earlier than October 2, 2023. (*Id.*) The parties also ask the court
2 to extend the discovery deadline, which expired on October 11, 2022, to permit “limited
3 additional discovery.” (*Id.*; *see* Sched. Ord.) They do not, however, specify what
4 additional discovery they seek or why that discovery is necessary, nor do they propose a
5 new discovery deadline. (*See* Stip. at 2.)

6 The court issues scheduling orders setting trial and related dates to provide a
7 reasonable schedule for the resolution of disputes. Pursuant to Federal Rule of Civil
8 Procedure 16(b)(4), “[a] schedule may only be modified for good cause and with the
9 judge’s consent.” Fed. R. Civ. P. 16(b)(4). Finding good cause, the court GRANTS the
10 parties’ request to continue the trial date and unexpired pretrial deadlines (Dkt. # 81) and
11 resets the parties’ bench trial on **October 30, 2023**. The court DIRECTS the Clerk to
12 issue a revised case schedule that resets the unexpired pretrial deadlines based on that
13 new trial date. Because the parties represent that they have reached an agreement to
14 settle this case, the court further DIRECTS the Clerk to remove Plaintiff Bornstein
15 Seafoods, Inc.’s (“Bornstein”) motions for partial summary judgment (Dkt. ## 54, 56)
16 from the court’s motions calendar, without prejudice to Bornstein renewing its motions
17 no later than July 13, 2023, if the parties are unable to perfect their settlement.

18 Because the parties have not explained why they need an extension of the
19 discovery deadline, however, the court finds they have not established good cause to
20 extend that deadline. Therefore, the court DENIES the parties’ request to extend the
21 discovery deadline at this time, without prejudice to the parties filing a motion or
22 stipulation that explains their reasons for requesting that extension.

1 Dated this 20th day of December, 2022.

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4 JAMES L. ROBART
5 United States District Judge
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